

The Gazette



of India

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, NOVEMBER 22, 1948

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
NOTIFICATION

New Delhi, the 22nd November, 1948

No. 2056.—In exercise of the powers conferred by sub-section (2) of Section 241 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order 1947 the Governor-General is pleased to direct that the following amendments shall be made in the Civilians in Defence Services (Revision of Pay) Rules 1947, namely:—

SCHEDULE.

MEDICAL DIRECTORATE  
*Armed Forces Medical College*

Name of Post	Existing Scale	Prescribed Scale
	Rs.	Rs.
Bricklayer . . . . .	55	50-2-60-EB-3/2-75

*Military Hospitals and other Medical Units.*

Bricklayer	Nerrick rate.	50-2-60-EB-3/2-75.
Saddler & Harness maker (employed in Orthopaedic Wing).	Do.	40-2-60-EB-3/2-75.

*Medical Directorate Store Depots.*

Turner	}	Nerrick rate.	60-5/2-75-EB-3-105.
Fitter			
Electroplater			
Electrician Wiremen			
Mechanic . . . . .		Do.	40-2-60-EB-3/2-75.
		Do.	50-2-60-EB-3/2-75.
Blacksmith	}	Do.	50-2-60-EB-3/2-75
Moulder		Do.	60-5/2-75.
Labour Supervisor . . . . .		Do.	60-5/2-75.

H. M. PATEL, Secy.





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NEW DELHI, WEDNESDAY, NOVEMBER 24, 1948

GOVERNMENT OF INDIA  
CONSTITUENT ASSEMBLY OF INDIA

The following Bill was introduced in the Constituent Assembly of India on the 24th November, 1948:—

C. A. BILL 1 OF 1948

*A Bill to amend the Government of India Act, 1935.*

WHEREAS it is expedient to amend the Government of India Act, 1935 (26 Geo. 5, c. 2), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title.**—This Act may be called the Government of India (Amendment) Act, 1948.

**2. Amendment of section 8 of the Government of India Act, 1935.**—After sub-section (1) of section 8 of the Government of India Act, 1935 (hereinafter referred to as the said Act), the following sub-section shall be inserted, namely:—

“(1A) Any power of the Dominion Legislature to make laws for a Province with respect to any matter shall include power to make laws as respects a Province conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties upon the Dominion or officers and authorities of the Dominion as respects that matter, notwithstanding that it is one with respect to which the Provincial Legislature also has power to make laws.”

**3. Insertion of new section 61A.**—After section 61 of the said Act, the following section shall be inserted, namely:—

“61A. *Extension of term of office of members of Provincial Legislative Councils.*—Notwithstanding anything contained in this Act, the Governor may, in the case of a Province having a Legislative Council, extend the term of office of a member of the Council, who is due to retire under sub-section (3) of section 61 of this Act, for such period as he thinks fit and may, in making such order, give such incidental and consequential directions as he may deem necessary.”

**4. Amendment of section 101.**—In section 101 of the said Act, before the words “Nothing in this Act” the words, figures and letter “Save as provided in section 290A” shall be inserted.

**5. Substitution of new section for section 128A.**—For section 128A of the said Act, the following section shall be substituted, namely:—

“128A. *Power of Dominion to give directions when Proclamation of Emergency is in operation.*—Where a Proclamation of Emergency is in operation whereby the Governor-General has declared that the security of

India is threatened by war, the executive authority of the Dominion shall extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised."

**6. Insertion of new sections 290A and 290B.**—After section 290 of the said Act, the following sections shall be inserted, namely:—

*"290A. Administration of certain Acceding States as a Chief Commissioner's Province or as part of a Governor's or Chief Commissioner's Province.*—(1) Where full and exclusive authority, jurisdiction and powers for and in relation to the governance of any Indian State or of any group of such States are for the time being exercisable by the Dominion Government, the Governor-General may by Order direct—

(a) that the State or the group of States shall be administered in all respects as if the State or the group of States were a Chief Commissioner's Province; or

(b) that the State or the group of States shall be administered in all respects as if the State or the group of States formed part of a Governor's or a Chief Commissioner's Province specified in the Order:

Provided that if any Order made under clause (b) of this sub-section affects a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) Upon the issue of an Order under clause (a) of sub-section (1) of this section all the provisions of this Act applicable to the Chief Commissioner's Province of Delhi shall apply to the State or the group of States in respect of which the Order is made.

(3) The Governor-General may in making an Order under sub-section (1) of this section give such incidental and consequential directions (including directions as to representation in the Legislature) as he may deem necessary.

(4) In this section, reference to a State shall include reference to a part of a State.

*290B. Administration of areas included within a Governor's Province or a Chief Commissioner's Province by the Government of an Acceding State.*—(1) The Governor-General may by Order direct that any area included within a Governor's Province or the whole or any part of the area included within a Chief Commissioner's Province shall be administered by the Government of a neighbouring Acceding State as if such area formed part of such State and thereupon the provisions of this Act shall apply accordingly:

Provided that where any such Order is made with respect to any area included within a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) An Order made under sub-section (1) of this section may contain such incidental and consequential provisions (including provisions for varying the representation in the Legislature) as the Governor-General may deem necessary."

**7. Amendment of the Seventh Schedule.**—In the Seventh Schedule to the said Act,—

(a) for paragraph 34 of the Federal Legislative List, the following paragraph shall be substituted, namely:—

“34. Development of industries, where development under Dominion control is declared by Dominion law to be expedient in the public interest; regulation and control of such industries; trade and commerce (whether or not within a Province) in, and production, supply and distribution of, products of such industries.”;

(b) for paragraph 27 of the Provincial Legislative List, the following paragraph shall be substituted, namely:—

“27. Trade and commerce within the Province, subject to the provisions in paragraph 34 of List I; markets and fairs; money lending and money lenders.”;

(c) for paragraph 29 of the Provincial Legislative List, the following paragraph shall be substituted, namely:—

“29. Production, supply and distribution of goods and development of industries, subject to the provisions in paragraph 34 of List I.”

#### STATEMENT OF OBJECTS AND REASONS

In order that uniform principles in the review of awards made by Central and Provincial Industrial Tribunals may be adopted under the overall control of the Central Government, it is proposed to set up appellate tribunals to hear appeals against their decisions. For want of such tribunals, it is not possible to ensure uniformity in the decisions of the Central and Provincial Industrial Tribunals. Although this would be possible under the draft Constitution, the setting up of appellate tribunals is not possible under the existing Constitution. Proviso (i) of sub-section (1) of section 8 of the Government of India Act, 1935, specifically states that the executive authority of the Dominion does not extend in any Province to matters with respect to which the Provincial Legislature has power to make laws. Clause 2 of the Bill seeks to effect the necessary amendment, so that the appellate tribunals may be established in accordance with the policy of the Government of India with regard to inflation outlined in paragraph 8 of their Press Communique, dated 4th October, 1948. A consequential amendment is made in clause 5.

The triennial elections required under sub-section (3) of section 61 of the Government of India Act, 1935, to fill one-third of the members of the Legislative Councils of Madras, Bombay and Bihar will be due in March and April, 1949, respectively. The Governments of Madras and Bihar have pointed out certain practical difficulties in holding the elections early next year and have recommended the suspension of any further elections to these Chambers under the present constitution. When the new Constitution Act comes into force Article 312(1) will enable all members of the Legislature then in office to continue until new Legislatures under the new Act are constituted. Clause 3 of the Bill is intended to empower the Governors of the respective Provinces to extend the term of office of the members, who are due to retire, until the new constitution comes into force and to give consequential directions.

Clause 6 of the Bill enables the Dominion Government to make orders providing that States whose Rulers had ceded full and exclusive authority, jurisdiction and power in regard to the governance of their States to the Dominion Government and whose administration is now carried on by the Dominion Government or by Provincial Governments on their behalf under the Extra-Provincial Jurisdiction Act, 1947, shall in future be governed directly as part of

a Governor's Province or as a Chief Commissioner's Province in accordance with the provisions of the Government of India Act, 1935. The administration of these States was taken over between the 1st January and 1st July, 1948, and certain difficulties have been experienced in running the administration under the Extra-Provincial Jurisdiction Act, 1947. It is therefore proposed that these States should now be governed as part of a Governor's Province or as a Chief Commissioner's Province under the Act. The Provincial Governments concerned have been consulted and have agreed to the principle underlying such a provision. For certain administrative reasons it has been found necessary to provide for the administration of small areas comprised within the Provinces of India as part of the neighbouring Acceding States. A provision for this purpose is also made in clause 6. A consequential amendment is made to section 101 of the Government of India Act, 1935, in clause 4 of the Bill.

Clause 7 of the Bill is intended to secure for the Central Legislature adequate powers to implement effectively the Government's industrial policy which has been accepted unanimously by the Constituent Assembly sitting as the Legislature. It envisages regulation and control by the Central Government of certain industries in varying degrees. At present, by virtue of the Essential Supplies (Temporary Powers) Act of 1946, enacted by the Central Legislature under the India (Central Government and Legislature) Act, 1946, the Centre has power to regulate trade and commerce in and the production, supply and distribution of a limited number of commodities, *viz.*, cotton and woollen textiles, paper, foodstuffs, petrol and petroleum products, spare parts of mechanically propelled vehicles, coal, iron and steel and mica. The industrial policy of Government, however, requires that the Central Legislature should have full powers regarding the development, regulation and control of certain industries and should also have power with respect to the regulation of trade and commerce in and the production, supply and distribution of the products of such industries. It is, therefore, necessary to amend item 84, List I, of the Seventh Schedule in the manner indicated in clause 7 of the Bill. The other provisions made in that clause are in the nature of consequential amendments.

V. J. PATEL.

NEW DELHI;  
The 20th November, 1948.

H. V. R. IENGAR,  
*Secretary, Constituent Assembly of India.*